

Current Class: CONFIDENTIAL
 Current Handling: n/a
 Document Number: 1994GENEVA06844

Page: 1

Channel: n/a

Case Number: 200303979

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(E43)

CONFIDENTIAL

PAGE 01 GENEVA 06844 01 OF 04 051557Z
 ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	SAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	PA-01
	PRS-01	P-01	SP-00	SR-00	SS-00	STR-01	TRSE-00
	USIE-00	SA-01	PRME-01	DRL-09	G-00		/043W

-----64EB3E 051558Z /38

O 051601Z AUG 94
 FM USMISSION GENEVA
 TO SECSTATE WASHDC IMMEDIATE 2208
 INFO AMEMBASSY KAMPALA IMMEDIATE
 AMEMBASSY THE HAGUE IMMEDIATE
 AMEMBASSY BUJUMBURA PRIORITY
 AMEMBASSY ADDIS ABABA
 AMEMBASSY DAR ES SALAAM
 AMEMBASSY KINSHASA
 AMEMBASSY LILONGWE
 AMEMBASSY WINDHOEK
 AMEMBASSY BRUSSELS
 AMEMBASSY PARIS
 AMEMBASSY BEIJING
 AMEMBASSY SEOUL
 AMEMBASSY TOKYO
 AMEMBASSY PHNOM PENH
 AMEMBASSY KATHMANDU
 AMEMBASSY NEW DELHI
 USINT HAVANA
 USMISSION USUN NEW YORK

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06844 01 OF 04 051557Z

C O N F I D E N T I A L SECTION 01 OF 04 GENEVA 06844

KAMPALA PLEASE PASS TO A/S SHATTUCK

THE HAGUE PLEASE PASS TO DEPUTY LEGAL ADVISOR MATHESON

DEPARTMENT PASS ALSO TO USUN/W SCHEFFER

Current Class: CONFIDENTIAL

Page: 1

UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: ARCHIE M BOLSTER
 DATE/CASE ID: 18 MAR 2004 200303979

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 2

Channel: n/a

Case Number: 200303979

E.O. 12356: DECL: OADR
TAGS: PHUM, UNHRC-1, RW, CU, CH
SUBJECT: MEETING WITH HIGH COMMISSIONER FOR HUMAN
RIGHTS: RWANDA, CUBA, CHINA, AND OTHER ISSUES

REF: (A) STATE 195347, (B) STATE 206813,
(C) STATE 204728

1. CONFIDENTIAL - ENTIRE TEXT.

SUMMARY

2. AMBASSADOR BRIEFED HCHR AYALA LASSO AND A/SYG
IBRAHIMA FALL AUGUST 5 ON U.S. EFFORTS ON RWANDA. HE
INFORMED THEM OF ASSISTANT SECRETARY SHATTUCK'S VISIT.
AMBASSADOR STRESSED THE IMPORTANCE WE ATTACH TO HUMAN
RIGHTS MONITORING AND OUTLINED OUR EFFORTS TO ASSIST ON
THIS ISSUE. HE URGED AYALA TO VISIT RWANDA; THE HCHR
MAY DO SO WITHIN THE NEXT 10 DAYS. AMBASSADOR ALSO
SOUGHT THE HCHR'S VIEWS ON THE POSSIBLE CREATION OF A
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06844 01 OF 04 051557Z
WAR CRIMES TRIBUNAL FOR RWANDA.

3. OTHER ISSUES COVERED INCLUDED AYALA'S ANTICIPATED
TRIPS TO CUBA AND CHINA. WE PROVIDED HIM WITH OUR VIEWS
ON POSSIBLE OBJECTIVES FOR THE VISITS AND WITH A LIST OF
CUBAN DISSIDENTS AND CHINESE POLITICAL PRISONERS. AYALA
SAID HE WOULD NOT VISIT CUBA WITHOUT SOME ASSURANCE THE
VISIT WOULD HAVE CONCRETE POSITIVE RESULTS. WE TOLD
AYALA WE WOULD WELCOME HIS VISIT TO WASHINGTON OCTOBER
4-7; HE WAS DELIGHTED WITH THE NEWS. END SUMMARY.

4. HIGH COMMISSIONER FOR HUMAN RIGHTS AYALA LASSO AND
ASSISTANT SECRETARY GENERAL IBRAHIMA FALL MET JOINTLY
WITH AMBASSADOR SPIEGEL AUGUST 5 FOR A DISCUSSION OF A
NUMBER OF ISSUES. THE UNUSUAL JOINT MEETING WITH AYALA
AND FALL WAS AT SPIEGEL'S SPECIFIC REQUEST. SPIEGEL WAS
ACCOMPANIED BY DCM AND POLCOUNS.

RWANDA

Current Class: CONFIDENTIAL

Page: 2

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 3

Channel: n/a

Case Number: 200303979

5. AMBASSADOR SPIEGEL BEGAN THE MEETING BY INFORMING AYALA OF ASSISTANT SECRETARY SHATTUCK'S VISIT TO THE AREA. HIGHLIGHTING THE MAGNITUDE OF THE U.S. RELIEF EFFORT IN RWANDA, SPIEGEL UNDERSCORED ALSO THE IMPORTANCE WE ATTACH TO THE HUMAN RIGHTS ELEMENTS OF INTERNATIONAL EFFORTS THERE. WE SEE PLACEMENT OF MONITORS AS A KEY ELEMENT IN ESTABLISHING THE SENSE OF SECURITY THAT WILL BE ESSENTIAL IF REFUGEES ARE TO RETURN TO THEIR HOMES. WE ARE ALSO WORKING ON FUNDING CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06844 01 OF 04 051557Z
POSSIBILITIES, INCLUDING DISCUSSIONS WITH UNDP ON WHETHER IT CAN PROVIDE MONITORS AND FUNDING, APPROACHES TO OTHER GOVERNMENTS, AND THE POSSIBILITY OF DIRECT U.S. FUNDING.

6. AYALA AGREED IMMEDIATELY ON THE IMPORTANCE OF PUTTING MONITORS IN PLACE RAPIDLY. WHILE HE HAD APPEALED FOR FUNDING FOR 20 MONITORS, HE DOES NOT RULE OUT THE NEED FOR MORE. HE WELCOMED U.S. ASSISTANCE IN GETTING MONITORS INTO PLACE RAPIDLY. FALL INJECTED A NOTE OF CAUTION ON UNDP PROVIDING HUMAN RIGHTS

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 GENEVA 06844 02 OF 04 051558Z
ACTION IO-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
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-----64EB4F 051558Z /38

O 051601Z AUG 94
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2209
INFO AMEMBASSY KAMPALA IMMEDIATE

Current Class: CONFIDENTIAL

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 4

Channel: n/a

Case Number: 200303979

AMEMBASSY THE HAGUE IMMEDIATE
AMEMBASSY BUJUMBURA PRIORITY
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AMEMBASSY PHNOM PENH
AMEMBASSY KATHMANDU
AMEMBASSY NEW DELHI
USINT HAVANA
USMISSION USUN NEW YORK

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06844 02 OF 04 051558Z

C O N F I D E N T I A L SECTION 02 OF 04 GENEVA 06844

KAMPALA PLEASE PASS TO A/S SHATTUCK

THE HAGUE PLEASE PASS TO DEPUTY LEGAL ADVISOR MATHESON

DEPARTMENT PASS ALSO TO USUN/W SCHEFFER

E.O. 12356: DECL: CADR

TAGS: PHUM, UNHRC-1, RW, CU, CH

SUBJECT: MEETING WITH HIGH COMMISSIONER FOR HUMAN

MONITORS. IDEALLY, HE WOULD PREFER THAT THE MONITORS BE RECRUITED BY THE HUMAN RIGHTS CENTER, TO WHICH THEY WILL BE REPORTING, IN ORDER TO ASSURE THE REQUISITE QUALITY AND EXPERIENCE.

7. SPIEGEL ASKED IF AYALA WAS CONSIDERING A RETURN TRIP TO RWANDA. AYALA REPLIED THAT HE WOULD BE TRAVELING TO AFRICA WITHIN 10 DAYS. HE IS SCHEDULED TO VISIT BURUNDI, NAMIBIA AND MALAWI, BUT NOW IS CONSIDERING WHETHER TO GO TO RWANDA RATHER THAN NAMIBIA. SPIEGEL STRESSED THE IMPORTANCE OF A STOP IN RWANDA, ESPECIALLY IF AYALA IS TO VISIT NEIGHBORING BURUNDI. SPIEGEL ALSO

Current Class: CONFIDENTIAL

Page: 4

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 5

Channel: n/a

Case Number: 200303979

underscored the importance we attach to establishing a human rights center presence in Kigali. Ayala and Fall agreed that an office in Kigali would be useful but that establishing one depends on an improved security

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06844 02 OF 04 051558Z
SITUATION.

8. SPIEGEL ASKED AYALA AND FALL FOR THEIR VIEWS ON THE CREATION OF A WAR CRIMES TRIBUNAL FOR RWANDA. AYALA REPLIED THAT UNDER NORMAL CIRCUMSTANCES HE WOULD FAVOR PROSECUTION BY NATIONAL AUTHORITIES. IN THE SPECIAL CASE OF RWANDA, HOWEVER, THE POLITICAL FACTORS ARGUE STRONGLY FOR THE CREATION OF AN INTERNATIONAL TRIBUNAL. AYALA OPINED THAT A NEW TRIBUNAL WOULD BE PREFERABLE TO INCORPORATING RWANDA CASES UNDER THE EXISTING YUGOSLAVIA TRIBUNAL. FALL COMMENTED THAT IF THE SAME TRIBUNAL WERE USED, IT SHOULD BE ADAPTED TO INCLUDE A NEW PROSECUTOR AND NEW AD HOC JUDGES. FALL ADDED THAT IN THE INTERIM IT WILL BE IMPORTANT TO SUPPORT THE NEW COMMISSION OF EXPERTS. A TRUST FUND WILL BE CREATED FOR CONTRIBUTIONS TO THE COMMISSION. IF THE COMMISSION DOES NOT PERFORM EFFECTIVELY, THERE IS LITTLE POSSIBILITY THAT A TRIBUNAL WILL BE CREATED. (THE COMMISSION WAS ANNOUNCED BY THE SYG ON JULY 29, BUT IS NOT YET ESTABLISHED IN GENEVA. THE START-UP DATE IS NOT YET CLEAR.) FALL IS URGING ALL GOVERNMENTS TO MAKE CLEAR TO THE RPF THAT IT WOULD BE COUNTER-PRODUCTIVE TO HOLD TRIALS LOCALLY.

9. FALL REMARKED THAT THE SECOND REPORT OF SPECIAL RAPPORTEUR ON RWANDA DEgni-SEGUI WILL BE READY NEXT WEEK AND THAT HE WILL FAX US A COPY IMMEDIATELY.

BURUNDI

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06844 02 OF 04 051558Z

10. SPIEGEL INFORMED FALL AND AYALA THAT THE U.S. PLANS TO MAKE A CONTRIBUTION OF \$300,000 IN RESPONSE TO THE

Current Class: CONFIDENTIAL

Page: 5

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 6

Channel: n/a

Case Number: 200303979

HIGH COMMISSIONER'S APPEAL ON BURUNDI. AYALA OFFERED HIS THANKS. HE COMMENTED THAT THE HUMAN RIGHTS CENTER'S PREVENTIVE PROGRAM IN BURUNDI HAS BEEN SUCCESSFUL SO FAR.

AYALA'S VISIT TO WASHINGTON

11. SPIEGEL INFORMED AYALA THAT WE WOULD WELCOME HIS VISIT TO WASHINGTON OCTOBER 4-7. WE LOOK FORWARD TO DEVELOPING A PROGRAM FOR HIM. AYALA ASKED THAT THE PROGRAM INCLUDE A MEETING WITH THE CONGRESSIONAL HUMAN RIGHTS CAUCUS.

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 GENEVA 06844 03 OF 04 051559Z
ACTION 10-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
	L-01	ADS-00	NEA-01	NSAE-00	NSCE-00	OIC-02	PA-01
	PRS-01	P-01	SP-00	SR-00	SS-00	STR-01	TRSE-00
	USIE-00	SA-01	PRME-01	DRL-09	G-00		/043W

----- 64EB64 051559Z /38

O 051601Z AUG 94
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2210
INFO AMEMBASSY KAMPALA IMMEDIATE
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AMEMBASSY TOKYO
AMEMBASSY PHNOM PENH
AMEMBASSY KATHMANDU

Current Class: CONFIDENTIAL

Page: 6

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 7

Channel: n/a

Case Number: 200303979

AMEMBASSY NEW DELHI
USINT HAVANA
USMISSION USUN NEW YORK

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06844 03 OF 04 051559Z

CONFIDENTIAL SECTION 03 OF 04 GENEVA 06844

KAMPALA PLEASE PASS TO A/S SHATTUCK

THE HAGUE PLEASE PASS TO DEPUTY LEGAL ADVISOR MATHESON

DEPARTMENT PASS ALSO TO USUN/W SCHEFFER

E.O. 12356: DECL: OADR

TAGS: PHUM, UNHRC-1, RW, CU, CH

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CUBA

12. AMBASSADOR SPIEGEL OUTLINED OUR VIEWS ON THE HCHR'S VISIT TO CUBA, DRAWING ON THE TALKING POINTS IN REFTEL. HE STRESSED THE IMPORTANCE OF THE HCHR MEETING WITH CATHOLIC CHURCH LEADERS AND HUMAN RIGHTS ACTIVISTS, INCLUDING THOSE IN PRISON. HE PROVIDED AYALA WITH A LIST OF PROMINENT CUBAN HUMAN RIGHTS ACTIVISTS AND WITH A LIST OF PROPOSED CONCRETE IMPROVEMENTS IN HUMAN RIGHTS THAT MIGHT BE UNDERTAKEN BY THE CUBAN GOVERNMENT.

13. AYALA ASKED IF WE THOUGHT HE SHOULD VISIT CUBA. SPIEGEL REPLIED THAT HE SHOULD IF THE VISIT WOULD INCLUDE MEETINGS WITH HUMAN RIGHTS ACTIVISTS AND WOULD

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06844 03 OF 04 051559Z
RESULT IN IMPROVEMENTS IN HUMAN RIGHTS. AYALA RESPONDED THAT HE WOULD NOT VISIT UNLESS HE WERE ASSURED IN ADVANCE THERE WOULD BE POSITIVE CONCRETE RESULTS.

Current Class: CONFIDENTIAL

Page: 7

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 8

Channel: n/a

Case Number: 200303979

CHINA

14. SPIEGEL ASKED IF AYALA HAD SET DATES FOR A VISIT TO CHINA. AYALA REPLIED THAT HE HAD NOT. SPIEGEL PROVIDED AYALA WITH A LIST OF GENERAL GOALS HE MIGHT PURSUE ON A TRIP TO CHINA AND A LIST OF PROMINENT CHINESE POLITICAL PRISONERS, DRAWN FROM REFTEL C.

THE HCHR'S ASIAN TRIP

15. AYALA OFFERED A POSITIVE READ-OUT ON HIS JUST-COMPLETED TRIP TO KOREA, JAPAN, CAMBODIA, NEPAL AND BHUTAN. HE BELIEVES THE TRIP WAS EFFECTIVE AND HAD POSITIVE AND PRACTICAL RESULTS. IN ADDITION TO SOME SPECIFIC STEPS TO BE UNDERTAKEN BY GOVERNMENTS, HE BELIEVES HIS VISITS HAD A POSITIVE IMPACT ON PUBLIC OPINION, CREATING A BROADER AWARENESS OF HUMAN RIGHTS ISSUES AND A POLITICAL ATMOSPHERE FOR POSITIVE CHANGE. NEPAL AND BHUTAN ASKED FOR ASSISTANCE IN TRAINING POLICE AND JUDGES. NEPAL IS ALSO SEEKING HUMAN RIGHTS TRAINING FOR ITS ARMY. JAPAN MADE A SIGNIFICANT PLEDGE TO THE ADVISORY SERVICES PROGRAM. IN CAMBODIA, THE GOVERNMENT AGREED AT AYALA'S REQUEST TO RELEASE A JAILED EDITOR.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06844 03 OF 04 051559Z

FUNDING PROBLEMS

16. SPIEGEL TOLD AYALA AND FALL THAT WE REMAIN SUPPORTIVE OF THEIR FUNDING REQUESTS AND HAVE BEEN WORKING IN NEW YORK ON BEHALF OF THE HUMAN RIGHTS CENTER. FALL COMMENTED THAT THE SITUATION IS STILL DIFFICULT. THE CENTER WILL SOON SEND US INFORMATION ON ITS ADDITIONAL NEEDS.

COMMENT

Current Class: CONFIDENTIAL

Page: 8

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 9

Channel: n/a

Case Number: 200303979

CONFIDENTIAL

NNNN

CONFIDENTIAL

PAGE 01 GENEVA 06844 04 OF 04 051600Z
ACTION 10-16

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	OASY-00
	DODE-00	EAP-01	EB-01	EUR-01	H-01	TEDE-00	INR-00
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	USIE-00	SA-01	PRME-01	DRL-09	G-00		/043W

-----64EB78 051600Z /38

Q 051601Z AUG 94

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2211

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AMEMBASSY NEW DELHI

USINT HAVANA

USMISSION USUN NEW YORK

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06844 04 OF 04 051600Z

C O N F I D E N T I A L SECTION 04 OF 04 GENEVA 06844

KAMPALA PLEASE PASS TO A/S SHATTUCK

THE HAGUE PLEASE PASS TO DEPUTY LEGAL ADVISOR MATHESON

Current Class: CONFIDENTIAL

Page: 9

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1994GENEVA06844

Page: 10

Channel: n/a

Case Number: 200303979

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17. AYALA AND FALL WERE DELIGHTED WITH OUR ACTIVISM ON RWANDA AND WITH THE EMPHASIS WE HAD GIVEN TO PUTTING HUMAN RIGHTS MONITORS IN PLACE. CLEARLY, THE SOONER FUNDING IS AVAILABLE, THE SOONER MONITORS WILL BE IN PLACE. PERHAPS THE MOST SIGNIFICANT OUTCOME OF THE MEETING WAS TO GET AYALA THINKING SERIOUSLY ABOUT AN EARLY VISIT TO RWANDA. WE BELIEVE HE IS NOW INCLINED TO ADD RWANDA TO HIS AFRICAN ITINERARY IN MID AUGUST.

SPIEGEL

CONFIDENTIAL

NNNN

Current Class: CONFIDENTIAL

Page: 10

UNCLASSIFIED